

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:23-CV-443-FL

JOHANNA A. HARRIS,

Plaintiff,

v.

VARIETY WHOLESALERS; STATE
EMPLOYEE CREDIT UNION Branch
Manager Denise; and UNITED AUTO
CREDIT,

Defendants.

ORDER

This matter is before the court for review of plaintiff's pro se amended complaint (DE 7) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert B. Jones, Jr., entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended that the action for employment discrimination be allowed to proceed against defendant Variety Wholesalers, and the action for unauthorized disclosure of banking information be dismissed as to defendants State Employee Credit Union and United Auto Credit. (DE 11). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.


Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R.

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

The magistrate judge recommends dismissal of claims against defendants State Employee Credit Union and United Auto Credit, for failure to state a claim upon which relief can be granted. In addition, the magistrate judge recommends allowing claims for employment discrimination against Variety Wholesalers to continue, because plaintiff states a claim for harassment and discrimination on the basis of race, retaliation for reporting sexual harassment, and wrongful termination, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a) (“Title VII”).

Upon careful consideration of the M&R and the record in this case, the court finds no clear error in the determinations by the magistrate judge, and the court adopts the M&R. Therefore, plaintiff’s claims against State Employee Credit Union and United Auto Credit are DISMISSED. Plaintiff’s Title VII claims against defendant Variety Wholesalers are ALLOWED TO PROCEED, pursuant to 28 U.S.C. § 1915(e). The court DIRECTS that service of plaintiff’s amended complaint and summons to Variety Wholesalers be made by a United States marshal or deputy marshal pursuant to Federal Rule of Civil Procedure 4(c)(3).

SO ORDERED, this the 27th day of December, 2023.


LOUISE W. FLANAGAN
United States District Judge